

FCC MAIL SECTION

Before the  
Federal Communications CommissionAPR 24 4 05 PM '96  
Washington, D.C. 20554

MM Docket No. 95-75

In the Matter of

Amendment of Section 73.202(h), RM-8615  
Table of Allotments, RM-8686  
FM Broadcast Stations.  
(Blossom, Texas, DeQueen,  
Arkansas, and Coalgate,  
Oklahoma)<sup>1</sup>

**REPORT AND ORDER  
(Proceeding Terminated)**

Adopted: April 5, 1996;

Released: April 23, 1996

By the Chief, Allocations Branch:

1. At the request of Red River Wireless Communications ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 10 FCC Red 6070, (1995), proposing the allotment of Channel 224C2 to Blossom, Texas, as the community's first local aural transmission service. In order to accommodate the allotment of Channel 224C2 to Blossom, an *Order to Show Cause* was issued to Jay W. Bunyard and W. Bunyard, licensees of Station KDQN(FM), DeQueen, Arkansas, proposing the substitution of Channel 227A for Channel 224A at DeQueen, and the modification of Station KDQN(FM)'s license accordingly. Petitioner filed comments reiterating its intention to apply for Channel 224C2, if allotted. Coalgate Broadcasters ("Coalgate Broadcasters"), filed a counterproposal.<sup>2</sup>

2. Coalgate Broadcasters' counterproposal request the allotment of Channel 224C2 to Coalgate, Oklahoma, as the community's first local aural transmission service. It also requests the modification of KDQN(FM)'s license to reflect Channel 227A instead of Channel 224A at DeQueen, Arkansas with the statement that Coalgate agrees to reimburse the licensee of KDQN(FM) for reasonable costs of moving to Channel 227A, if its proposal is adopted. In support of its counterproposal, Coalgate Broadcasters state that in contrast to Blossom, a small suburb of Paris, Texas, Coalgate is the county seat of Coal County. Coalgate is an incorporated community which has its own post office, hospital, Chamber of Commerce, several supermarkets, clothing stores, a

downtown shopping area and a bank. Coalgate Broadcasters submit that the community has a Wrangler Jeans manufacturing plant, which employs several hundred people and a weekly newspaper, *Coalgate Record-Register*, as well as its own police and fire departments.

3. After reviewing the pleadings before us, we find that each of the allotment requests can be accommodated and thus comparative consideration of the competing proposals is unnecessary. An engineering study shows that Channel 288C2 can be allotted to Coalgate, Oklahoma, in lieu of Channel 224C2, thereby permitting the allotment of Channel 224C2 at Blossom, Texas.

4. Jay W. Bunyard and W. Bunyard filed no written response to the *Order To Show Cause* in this proceeding as to why their license should not be modified to specify operation on Channel 227A in lieu of Channel 224A. As a result, they are deemed to have consented to this channel change. See Section 1.87 of the Commission's Rules. Petitioner has stated its intention to reimburse the licensee of Station KDQN(FM) for all reasonable expenses incurred in changing Station KDQN(FM)'s frequency to Channel 227A. In accordance with Commission policy we will require that the ultimate permittee of Channel 224C2 at Blossom, Texas, to reimburse Station KDQN(FM) for the reasonable costs associated with changing its frequency to Channel 227A.<sup>3</sup> Accordingly, we will modify the license of Station KDQN(FM) to specify operation on Channel 227A at DeQueen, Arkansas, in accordance with Section 1.420(g) of the Commission's Rules.

5. Our engineering analysis has determined that each of the allotment requests can be accommodated in compliance with the Commission's minimum distance separation requirements. Therefore, we believe the public interest would be served by allotting Channel 224C2 to Blossom, Texas; Channel 288C2 to Coalgate, Oklahoma; and by substituting Channel 227A for Channel 224A at DeQueen, Arkansas. This action will provide first local aural transmission services at Blossom and Coalgate. Channel 224C2 can be allotted to Blossom, Texas, with a site restriction of 11.0 kilometers (6.8 miles) east in order to avoid a short-spacing conflict with the allotment of Channel 225A at Bells, Texas.<sup>4</sup> As noted above, the allotment of Channel 224C2 at Blossom requires the substitution of Channel 227A for Channel 224A at DeQueen, Arkansas. Channel 227A can be substituted for Channel 224A at DeQueen and can be used at the site specified in Station KDQN(FM)'s license.<sup>5</sup> Channel 288C2 can be allotted to Coalgate, Oklahoma, with a site restriction of 13.4 kilometers (8.3 miles) east to avoid short-spacing conflicts with the licensed site of Station KXXX(FM), Channel 288A, Chickasha, Oklahoma, and with Station KSTV(FM)'s pending application to upgrade from Channel 289C1 to Channel 289C at Decatur, Texas.<sup>6</sup>

<sup>1</sup> The community of Coalgate has been added to the caption.

<sup>2</sup> Coalgate's counterproposal was placed on Public Notice on August 21, 1995, Report No. 2092 (RM-8686).

<sup>3</sup> Commission's records indicate that a one-step application is pending to upgrade Station KDQN(FM)'s facilities from Channel 224A to Channel 226C2 at DeQueen, Arkansas. Our engineering analysis indicates that there is no conflict with any of the proposals under consideration herein and the application will be acted upon separately. Furthermore, the responsibility of the ultimate permittee for reimbursing the DeQueen station is

limited to the reasonable cost in changing to an equivalent Class A channel, not for expenses incurred in an upgrade to a Class C2 channel.

<sup>4</sup> The coordinates for Channel 224C2 at Blossom, Texas, are North Latitude 33-40-07 and West Longitude 95-16-13.

<sup>5</sup> The coordinates for Channel 227A at DeQueen, Arkansas, are North Latitude 34-01-57 and West Longitude 94-19-43.

<sup>6</sup> The coordinates for Channel 288C2 at Coalgate are North Latitude 34-32-20 and West Longitude 96-04-20.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **June 7, 1996**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
Blossom, Texas	224C2
DeQueen, Arkansas	227A
Coalgate, Oklahoma	288C2

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Jay W. Bunyard & W. Bunyard for Station KDQN(FM), DeQueen, Arkansas, IS MODIFIED to specify operation on Channel 227A in lieu of Channel 224A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station KDQN(FM)'s license, BRH-890109UA, except the channel as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BRH-890109UA, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

8. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the licensee, as follows: Jay W. Bunyard and W. Bunyard, P.O. Box 311, DeQueen, Arkansas, 71832.

9. The window period for filing applications for Channel 224C2 at Blossom, Texas, and Channel 288C2 at Coalgate, Oklahoma, will open on **June 7, 1996**, and close on **July 8, 1996**.

10. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

11. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau